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**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

NOTICE OF ALLOWANCE: JANUARY 4, 2007

Serial No. : 10/054,300
Applicants : Takeshi IMANISHI et al.
Filed : January 22, 2002
For : NOVEL BICYCLONUCLEOSIDE
ANALOGUES
Art Unit : 1623
Examiner : Traviss C. McIntosh III
Docket No. : 01834CIP/HG
Customer No.: 01933
Confirm. No.: 5360

**APPLICATION FOR PATENT TERM ADJUSTMENT
INCLUDING REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT INDICATED IN
NOTICE OF ALLOWANCE (37 CFR §1.705)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP PETITIONS

S I R :

1. This is a request for reconsideration of the erroneous patent term adjustment of 473 days indicated in the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) that was attached to the Notice of Allowance mailed on January 4, 2007. It is respectfully requested that applicants be afforded a correct patent term adjustment of 1,119 days.

2. The issue fee has not yet been paid.

Express Mail Mailing Label
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Date of Deposit: February 2, 2007
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Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450

Dorothy DeFrancesco
Dorothy DeFrancesco

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by Form PTO-2038 attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

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00000058 10054300
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3. Applicants submit herewith a "Statement of the Correct Patent Term Adjustment: Basis(es) Under 37 C.F.R. §1.702 For the Adjustment - Part B." (37 C.F.R. §1.705(b)(2)(i) and (ii)).

4. Any patent granted on this application (37 C.F.R. §1.705(b)(2)(iii)) is not subject to a terminal disclaimer.

5. As to any circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified patent application as set forth in §1.704 (37 C.F.R. §1.705(b)(2)(iv)): there was none (37 C.F.R. §1.705(b)(2)(iv)(B)).

6. The fee set forth in §1.18(e) (\$200), required by 37 C.F.R. §1.705(b)(1), is paid as follows:
Attached is a Form PTO-2038 in the amount of \$200.

To the extent not tendered by Form PTO-2038 attached hereto,
authorization is given to charge any additional fees to Deposit
Account No. 06-1378.

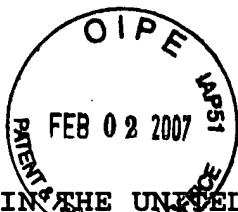
Respectfully submitted,



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RSB/ddf

- Encs.: (1) Statement of the Correct Patent Term Adjustment:
Basis Under 37 C.F.R. §1.702 For the Adjustment
(37 CFR §1.705(b)(2)(i) and (ii))
- (2) Form PTO-2038 in the amount of \$200



**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Serial No. : 10/054,300
Applicants : Takeshi IMANISHI et al.
Filed : January 22, 2002
For : NOVEL BICYCLONUCLEOSIDE
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Art Unit : 1623
Examiner : Traviss C. McIntosh III
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Customer No.: 01933
Confirm. No.: 5360

NOTICE OF ALLOWANCE: JANUARY 4, 2007

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Date of Deposit: February 2, 2007
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Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450

Dorothy DeFrancesco
Dorothy DeFrancesco

In the event that this Paper is late
filed, and the necessary petition
for extension of time is not filed
concurrently herewith, please consider
this as a Petition for the requisite
extension of time, and to the extent
not tendered by Form PTO-2038 attached
hereto, authorization to charge the
extension fee, or any other fee
required in connection with this
Paper to Account No. 06-1378.

**STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT:
BASIS(ES) UNDER 37 C.F.R. §1.702 FOR THE ADJUSTMENT
(37 CFR §1.705(b)(2)(i) AND (ii))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP PETITIONS

S I R :

1. This statement is being submitted in support of the
"APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR
RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF
ALLOWANCE (37 C.F.R. §1.705)" to which this statement is
attached.

37 C.F.R. §1.705(b) (2) (i)

2. The patent term adjustment on the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) that was attached to the Notice of Allowance is 473 days. It is respectfully submitted that this determination of 473 days is an error, which is due to an erroneous USPTO determination that there was an applicant delay ("APPL") of 646 days. It is respectfully submitted that the correct patent term adjustment under §1.702 is 1,119 days, which is the entire USPTO delay.

37 C.F.R. §1.705(b) (2) (ii)

3. The basis(es) on which applicants seek adjustment are as follows:

Adjustment is sought for the following date: April 1, 2004 (which is erroneously identified in the Patent Term Adjustment History as the date on which the "Application is Now Complete").

Adjustment to be made for this date: April 24, 2002 (the date when the filing of the application papers was complete).

Basis: A Sequence Listing (computer readable form (floppy disk and paper copy)) and a Statement Under 37 CFR 1.821 were timely filed in the USPTO on April 24, 2002, which was within the two-month term for response specified in the USPTO Notice mailed March 25, 2002.

The factual bases for the above adjustment follows.

Enclosed are copies of the following documents for the above-identified patent application which were downloaded from the USPTO website: Patent Term Adjustment History (ATTACHMENT A), the Transaction History (ATTACHMENT B) and the Image File Wrapper (ATTACHMENT C).

A. A USPTO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was mailed on March 25, 2002, which provided a two-month term for response. The NOTICE indicated that (i) the declaration was missing, (ii) the application did not include a statement as required by 37 C.F.R. 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d) and (iii) a Sequence Listing in computer readable form was not submitted as required by 37 C.F.R. 1.821(e).

B. A paper entitled FILING MISSING DECLARATION UNDER 37 C.F.R. 1.53(f) dated April 2, 2002, along with an executed DECLARATION AND POWER OF ATTORNEY, were filed on April 11, 2002. A copy of the postcard receipt for these papers is enclosed as ATTACHMENT D. The enclosed copies of the Patent Term Adjustment History (ATTACHMENT A) and the Transaction History (ATTACHMENT B) confirm the filing of these papers on April 11, 2002 ("A statement by one or more inventors satisfying the requirement

under 35 USC 115, oath of the Applic"). Also see the April 11, 2002 entry ("Oath or Declaration filed") in the Image File Wrapper (ATTACHMENT C).

C. A paper entitled SUBMISSION OF SEQUENCE LISTING dated April 16, 2002 (a copy of which is enclosed as ATTACHMENT E), along with a computer readable form ("CRF") of the Sequence Listing on a floppy disk, a paper copy of the Sequence Listing (8 pages) (a copy of which is enclosed as ATTACHMENT F, wherein page 1 of which bears the USPTO date stamp of APR 24 2002), a STATEMENT UNDER 37 CFR 1.821 by Takuo OKABE dated April 9, 2002 (a copy of which is enclosed as ATTACHMENT G) and a PRELIMINARY AMENDMENT were mailed to the USPTO on April 16, 2002, and were received in the USPTO on April 24, 2002, as evidenced by the enclosed copy of the postcard receipt therefor (ATTACHMENT H).

The following entries for April 24, 2002 appear on the Image File Wrapper (ATTACHMENT C) for the above-identified application:

<u>Mail Room Date</u>	<u>Document Description</u>	<u>Page Count</u>
4-24-2002	Preliminary Amendment	1
4-24-2002	CRF Statement Paper and CRF are the same	1
4-24-2002	Sequence Listing	8

The above entry of "CRF Statement Paper and CRF are the same" is for the aforesaid STATEMENT UNDER 37 CFR 1.821 of Takuo OKABE dated April 9, 2002 (ATTACHMENT G).

The following entry appears on the Transaction History (ATTACHMENT B) for the above-identified patent application.

<u>Date</u>	<u>Transaction Description</u>
4-16-2002	CRF Disk Has Been Received By Preexam/Group/PCT

It is therefore certain that the USPTO received applicants' CRF within the term for responding to the aforesaid March 25, 2002 NOTICE.

D. It is thus respectfully submitted that the filing of the Declaration on April 11, 2002 and the filing on April 24, 2002 of the Sequence Listing (including a CRF (floppy disk) of the Sequence Listing and a paper copy of the Sequence Listing) and the STATEMENT UNDER 37 CFR 1.821 of Takuo OKABE dated April 9, 2002 served to fully comply with all the requirements of the aforesaid March 25, 2002 NOTICE TO FILE MISSING PARTS OF

NONPROVISIONAL APPLICATION within the requisite two-month term provided in said NOTICE.

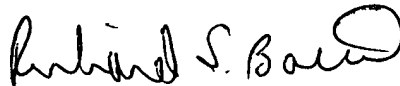
In view of the above, it is respectfully submitted that categorizing the 646 days from March 25, 2002 (the mailing date of the aforesaid NOTICE) to April 1, 2004 (the date indicated on the Patent Term Adjustment History) as "applicants' delay," is an error.

E. It is respectfully submitted that the Patent Term Adjustment History is flawed in that the entries from 3-25-2002 to 7-27-2004 are not in order of date. The entries during such period go back and forth between entries for 2002 and entries for 2004.

F. As explained in the enclosed ATTACHMENT I entitled "Activities After April 24, 2002," it is respectfully submitted that categorizing the 646 days set forth in the Patent Term Adjustment History as "applicants' delay" is erroneous due to a mischaracterization of activities that occurred between April 24, 2002 and April 1, 2004.

In view of the above, it is respectfully requested that the patent term adjustment for the above-identified application be changed to 1,119 days (USPTO delay of 1,119 days; applicant delay of 0 days).

Respectfully submitted,



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RSB/ddf

- Encs.: (1) copy of the Patent Term Adjustment History
for the above-identified application (ATTACHMENT A)
- (2) copy of the Transaction History
for the above-identified application (ATTACHMENT B)
- (3) copy of the Image File Wrapper
for the above-identified application (ATTACHMENT C)
- (4) copy of the postcard receipt for papers filed in USPTO
on APR 11 2002 with USPTO date stamp thereon (ATTACHMENT D)
- (5) copy of SUBMISSION OF SEQUENCE LISTING (ATTACHMENT E)
- (6) copy of Sequence Listing (8 pages) (ATTACHMENT F)
- (7) copy of STATEMENT UNDER 37 CFR 1.821 by Takuo OKABE
dated April 9, 2002 (ATTACHMENT G)
- (8) copy of postcard receipt with USPTO
date stamp of APR 24 2002 thereon (ATTACHMENT H)
- (9) ATTACHMENT I ("Activities after April 24, 2002")

ATTACHMENT A

10/054,300	NOVEL BICYCLONUCLEOSIDE ANALOGUES	01-31-2007::12:04:12
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/054,300

Filing or 371(c) Date:	01-22-2002	USPTO Delay (PTO) Delay (days):	1119
Issue Date of Patent:	null	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	646
Post-Issue Petitions (days):	+0	Total PTA (days):	473
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
01-04-2007	Mail Notice of Allowance		
12-26-2006	Notice of Allowance Data Verification Completed		
12-26-2006	Case Docketed to Examiner in GAU		
09-22-2006	Information Disclosure Statement considered		
09-22-2006	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		
09-22-2006	Reference capture on IDS		
09-22-2006	Information Disclosure Statement (IDS) Filed		
09-29-2006	Date Forwarded to Examiner		
09-22-2006	Response after Non-Final Action		
06-27-2006	Mail Non-Final Rejection		
06-23-2006	Non-Final Rejection		
04-01-2004	Information Disclosure Statement considered		
03-09-2004	Information Disclosure Statement considered		
04-19-2002	Information Disclosure Statement considered		
05-01-2006	Date Forwarded to Examiner		
04-26-2006	Response to Election / Restriction Filed		
04-14-2006	Mail Restriction Requirement	1119	
04-13-2006	Requirement for Restriction / Election	◆	
04-04-2006	Case Docketed to Examiner in GAU	◆	
11-23-2005	IFW TSS Processing by Tech Center Complete	◆	
04-22-2005	Correspondence Address Change	◆	
10-20-2004	Miscellaneous Incoming Letter	◆	
04-01-2004	Reference capture on IDS	◆	
04-01-2004	Information Disclosure Statement (IDS) Filed	◆	
03-09-2004	Information Disclosure Statement (IDS) Filed	◆	
07-17-2002	Preliminary Amendment	◆	
04-24-2002	Preliminary Amendment	◆	
04-19-2002	Information Disclosure Statement (IDS) Filed	◆	
08-30-2004	Case Docketed to Examiner in GAU	◆	
04-19-2002	Reference capture on IDS	◆	
08-26-2004	Case Docketed to Examiner in GAU	◆	

07-27-2004	Reference capture on IDS	✦	
05-10-2002	Miscellaneous Incoming Letter	✦	
04-24-2002	Preliminary Amendment	✦	
04-15-2004	Application Dispatched from OIPE	✦	
04-16-2004	Application Is Now Complete	✦	
04-01-2004	Additional Application Filing Fees		646
04-01-2004	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in	✦	
04-01-2004	CRF Disk Has Been Received by Preexam / Group / PCT	✦	
01-22-2002	Claim Preliminary Amendment	✦	
04-14-2004	CRF Is Good Technically / Entered into Database	✦	
02-11-2004	SEQUENCE ERRORS	✦	
04-16-2002	Additional Application Filing Fees	✦	
04-16-2002	CRF Disk Has Been Received by Preexam / Group / PCT	✦	
02-09-2004	CRF Is Flawed Technically / Not Entered into Database	✦	
04-11-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	✦	
03-25-2002	Notice Mailed--Application Incomplete--Filing Date Assigned	✦	
03-08-2002	IFW Scan & PACR Auto Security Review		
02-05-2002	IFW Scan & PACR Auto Security Review		
01-22-2002	Initial Exam Team nn		

Close Window

ATTACHMENT B**10/054,300 NOVEL BICYCLONUCLEOSIDE ANALOGUES****01-31-
2007::12:04:33****Transaction History**

Date	Transaction Description
01-19-2007	Sequence Forwarded to Pubs on Tape
01-04-2007	Mail Notice of Allowance
12-26-2006	Notice of Allowance Data Verification Completed
12-26-2006	Case Docketed to Examiner in GAU
09-22-2006	Information Disclosure Statement considered
09-22-2006	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
09-22-2006	Reference capture on IDS
09-22-2006	Information Disclosure Statement (IDS) Filed
09-29-2006	Date Forwarded to Examiner
09-22-2006	Response after Non-Final Action
06-27-2006	Mail Non-Final Rejection
06-23-2006	Non-Final Rejection
04-01-2004	Information Disclosure Statement considered
03-09-2004	Information Disclosure Statement considered
04-19-2002	Information Disclosure Statement considered
05-01-2006	Date Forwarded to Examiner
04-26-2006	Response to Election / Restriction Filed
04-14-2006	Mail Restriction Requirement
04-13-2006	Requirement for Restriction / Election
04-04-2006	Case Docketed to Examiner in GAU
11-23-2005	IFW TSS Processing by Tech Center Complete
04-22-2005	Correspondence Address Change
10-20-2004	Miscellaneous Incoming Letter
04-01-2004	Reference capture on IDS
04-01-2004	Information Disclosure Statement (IDS) Filed
03-09-2004	Information Disclosure Statement (IDS) Filed
07-17-2002	Preliminary Amendment
04-24-2002	Preliminary Amendment
04-19-2002	Information Disclosure Statement (IDS) Filed
08-30-2004	Case Docketed to Examiner in GAU
04-19-2002	Reference capture on IDS
08-26-2004	Case Docketed to Examiner in GAU
07-27-2004	Reference capture on IDS
05-10-2002	Miscellaneous Incoming Letter
04-24-2002	Preliminary Amendment
04-15-2004	Application Dispatched from OIPE
04-16-2004	Application Is Now Complete
04-01-2004	Additional Application Filing Fees
04-01-2004	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in
04-01-2004	CRF Disk Has Been Received by Preexam / Group / PCT
01-22-2002	Claim Preliminary Amendment

04-14-2004 CRF Is Good Technically / Entered into Database
02-11-2004 SEQUENCE ERRORS
04-16-2002 Additional Application Filing Fees
04-16-2002 CRF Disk Has Been Received by Preexam / Group / PCT
02-09-2004 CRF Is Flawed Technically / Not Entered into Database
04-11-2002 A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
03-25-2002 Notice Mailed--Application Incomplete--Filing Date Assigned
03-08-2002 IFW Scan & PACR Auto Security Review
02-05-2002 IFW Scan & PACR Auto Security Review
01-22-2002 Initial Exam Team nn

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10/054,300 NOVEL BICYCLONUCLEOSIDE ANALOGUES

01-31-
2007::12:04:51

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

Mail Room Date	Document Description	Document Category	Page Count
01-04-2007	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
01-04-2007	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	4
01-04-2007	List of References cited by applicant and considered by examiner	PROSECUTION	11
01-04-2007	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
01-04-2007	Index of Claims	PROSECUTION	1
01-04-2007	Search information including classification, databases and other search related notes	PROSECUTION	1
12-18-2006	Examiner's search strategy and results	PROSECUTION	29
10-02-2006	Fee Worksheet (PTO-06)	PROSECUTION	1
09-22-2006	Amendment - After Non-Final Rejection	PROSECUTION	1
09-22-2006	Claims	PROSECUTION	13
09-22-2006	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	5
09-22-2006	Rule 130, 131 or 132 Affidavits	PROSECUTION	2
09-22-2006	Information Disclosure Statement (IDS) Filed	PROSECUTION	3
09-22-2006	Foreign Reference	PRIOR ART	56
09-22-2006	Foreign Reference	PRIOR ART	76
09-22-2006	NPL Documents	PRIOR ART	2
09-22-2006	NPL Documents	PRIOR ART	18
09-22-2006	NPL Documents	PRIOR ART	24
09-22-2006	NPL Documents	PRIOR ART	6
06-27-2006	Non-Final Rejection	PROSECUTION	7
06-27-2006	List of References cited by applicant and considered by examiner	PROSECUTION	12
06-27-2006	List of references cited by examiner	PROSECUTION	1
06-27-2006	Search information including classification, databases and other search related notes	PROSECUTION	1
06-27-2006	Bibliographic Data Sheet	PROSECUTION	1
06-27-2006	Index of Claims	PROSECUTION	1
06-22-2006	Examiner's search strategy and results	PROSECUTION	48
05-02-2006	Fee Worksheet (PTO-06)	PROSECUTION	1
04-26-2006	Response to Election / Restriction Filed	PROSECUTION	1
04-26-2006	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	5
04-14-2006	Requirement for Restriction/Election	PROSECUTION	8
04-14-2006	Index of Claims	PROSECUTION	1
04-25-2005	Notice of Change of Address placed in File Wrapper due to EBC Customer Number update	PROSECUTION	1
10-20-2004	Miscellaneous Incoming Letter	PROSECUTION	1
06-03-2004	Miscellaneous Incoming Letter	PROSECUTION	1
04-01-2004	Information Disclosure Statement (IDS) Filed	PROSECUTION	3
04-01-2004	CRF Statement Paper and CRF are the same	PROSECUTION	1
04-01-2004	Sequence Listing	PROSECUTION	4
03-09-2004	Information Disclosure Statement (IDS) Filed	PROSECUTION	2
03-09-2004	Foreign Reference	PRIOR ART	270
02-11-2004	Pre-Exam Formalities Notice	PROSECUTION	2
02-03-2004	Computer Readable Form (CRF) for Sequence Listing -	PROSECUTION	6

	Defective		
01-06-2004	Miscellaneous Incoming Letter	PROSECUTION	2
07-17-2002	Miscellaneous Incoming Letter	PROSECUTION	5
07-17-2002	Preliminary Amendment	PROSECUTION	1
07-17-2002	Claims	PROSECUTION	1
07-17-2002	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
07-17-2002	Oath or Declaration filed	PROSECUTION	3
07-10-2002	Miscellaneous Incoming Letter	PROSECUTION	1
05-10-2002	Miscellaneous Incoming Letter	PROSECUTION	1
04-24-2002	Preliminary Amendment	PROSECUTION	1
04-24-2002	CRF Statement Paper and CRF are the same	PROSECUTION	1
04-24-2002	Sequence Listing	PROSECUTION	8
04-19-2002	NPL Documents	PRIOR ART	2
04-19-2002	NPL Documents	PRIOR ART	36
04-19-2002	NPL Documents	PRIOR ART	12
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04-19-2002	NPL Documents	PRIOR ART	12
04-19-2002	NPL Documents	PRIOR ART	16
04-19-2002	NPL Documents	PRIOR ART	8
04-19-2002	NPL Documents	PRIOR ART	26
04-19-2002	NPL Documents	PRIOR ART	6
04-19-2002	NPL Documents	PRIOR ART	4
04-19-2002	Foreign Reference	PRIOR ART	108
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04-19-2002	NPL Documents	PRIOR ART	5
04-19-2002	NPL Documents	PRIOR ART	20
04-19-2002	NPL Documents	PRIOR ART	7
04-11-2002	Oath or Declaration filed	PROSECUTION	3
03-25-2002	Pre-Exam Formalities Notice	PROSECUTION	2
01-22-2002	Foreign Reference	PRIOR ART	94
01-22-2002	Fee Worksheet (PTO-06)	PROSECUTION	1
01-22-2002	Fee Worksheet (PTO-06)	PROSECUTION	1
01-22-2002	Claims Worksheet (PTO-2022)	PROSECUTION	1
01-22-2002	Miscellaneous Incoming Letter	PROSECUTION	9
01-22-2002	Certified Copy of Foreign Priority Application	PRIOR ART	54
01-22-2002	Transmittal of New Application	PROSECUTION	1
01-22-2002	Authorization for Extension of Time all replies	PROSECUTION	1
01-22-2002	Specification	PROSECUTION	98
01-22-2002	Claims	PROSECUTION	9
01-22-2002	Abstract	PROSECUTION	1
01-22-2002	Drawings	PROSECUTION	1
01-22-2002	Oath or Declaration filed	PROSECUTION	1
01-22-2002	Sequence Listing	PROSECUTION	4

Close Window

ATTACHMENT D

Attorney Docket: 01834CIP/HG
Serial No.: 10/054,300
Applicants: Takeshi IMANISHI et al.
Filed : January 22, 2002

RECEIPT ACKNOWLEDGED:
FILING MISSING DECLARATION UNDER 37 FR 1.53(f); Executed
DECLARATION AND POWER OF ATTORNEY dated Feb. 21, 2002;
copy of PTO NOTICE dated March 25, 2002; CHECK \$130
(#85202)

fcm/cert. of mailing: April 2, 2002 (Box Missing Parts)
due: May 25, 2002

RSB/ddf



Attorney Docket: 01834CIP/HG

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Takeshi IMANISHI et al.
Serial No. : 10/054,300
Filed : January 22, 2002
For : NOVEL BICYCLONUCLEOSIDE
ANALOGUES
Art Unit : 1646
Examiner :

SUBMISSION OF SEQUENCE LISTING

Commissioner for Patents
Washington, D.C. 20231

S I R :

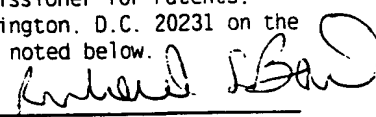
The NOTICE TO FILE MISSING PARTS OF APPLICATION - Filing Date Granted dated March 25, 2002 (copy enclosed) specified that a Statement Under 37 CFR 1.821 and a computer readable form of the Sequence Listing were required and that they be filed within two months from March 25, 2002, the mailing date of said NOTICE.

Submitted concomitantly herewith are the following:

- (1) a computer readable form and a paper copy of the Sequence Listing, and
- (2) a STATEMENT UNDER 37 CFR 1.821 of Mr. Takuo Okabe, dated April 9, 2002.

CERTIFICATE OF MAILING

I hereby certify this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to:
Commissioner for Patents,
Washington, D.C. 20231 on the date noted below.


Attorney: Richard S. Barth

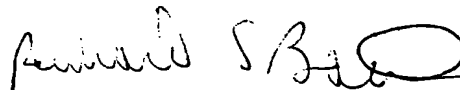
Dated: April 16, 2002

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 06-1378.

A PRELIMINARY AMENDMENT is being submitted concomitantly herewith to replace the SEQUENCE LISTING in the originally filed application with the SEQUENCE LISTING which is being submitted herewith.

It is respectfully submitted that the application complies with all the requirements of 37 CFR 1.821 to 1.825.

Respectfully submitted,



Richard S. Barth
Reg. No. 28,180

FRISHAUF, HOLTZ, GOODMAN, LANGER & CHICK, P.C.
767 THIRD AVENUE - 25TH FLOOR
NEW YORK, NEW YORK 10017-2023
Tel. No. (212) 319-4900
Fax No. (212) 319-5101
RSB/ddf

- Enclosures: (1) A copy of the USPTO NOTICE dated March 25, 2002
- (2) Computer readable form (disk) and paper copy of the Sequence Listing
- (3) STATEMENT UNDER 37 CFR 1.821 of Mr. Takuo Okabe dated April 9, 2002
- (4) PRELIMINARY AMENDMENT



ATTACHMENT F

1

SEQUENCE LISTING

<110>Imanishi, Takeshi
Obika, Satoshi

<120>Novel Bicyclonucleoside Analogues

<130>01834CIP/HG

<140>US 10/054,300

<141>2002-01-22

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Attorney Docket: 01934CIP/HG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Takeshi IMANISHI et al.
Serial No. : 10/054,300
Filed : January 22, 2002
For : NOVEL BICYCLONUCLEOSIDE
ANALOGUES

Art Unit :

Examiner :

STATEMENT UNDER 37 CFR 1.821

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

The below-named person hereby states that:

The Sequence Listing recorded on the enclosed computer readable form (disk) is identical to the written Sequence Listing (printout) annexed hereto (i.e., the content of the paper copy and computer readable copy submitted herewith are the same), and the sequences in said Sequence Listing are identical to the sequences filed with the above-referenced patent application. No new matter has been added.

Date: April 9, 2002

Takuo Okabe
Name: Takuo OKABE

ATTACHMENT H

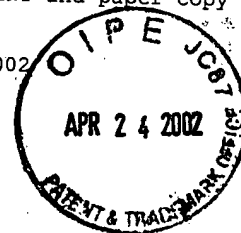
Attorney Docket: 01834CIP/HG
Serial No.: 10/054,300
Applicants: Takeshi IMANISHI et al.
Filed January 22, 2002

RECEIPT ACKNOWLEDGED:

SUBMISSION OF SEQUENCE LISTING; COPY OF PTO NOTICE DATED MARCH 25, 2002; COMPUTER READABLE FORM (DISK) AND PAPER COPY OF THE SEQUENCE LISTING CONTAINED ON SAID DISK; STATEMENT UNDER 37 CFR 1.821 OF Mr. Takuo OKABE dated April 9, 2002; PRELIMINARY AMENDMENT and paper copy of SEQUENCE LISTING (pages 1 to 8).

fcm/cert. of mailing: April 16, 2002

RSB/ddf



ATTACHMENT I

"Activities after April 24, 2002"

A.1. Richard S. Barth, attorney for applicants, received a telephone call on January 23, 2004 from Ms. Nelson of OPIE, wherein Ms. Nelson requested that applicants provide a duplicate disk of the computer readable form ("CRF") for the Sequence Listing that was filed on April 24, 2002. Ms. Nelson said that the original disk of the CRF for the Sequence Listing was damaged during processing of the mail.

A.2. On January 26, 2004, a paper entitled SUBMISSION OF DUPLICATE COPY OF COMPUTER READABLE ("CRF") OF SEQUENCE LISTING was filed in the USPTO, together with a floppy disk of the Sequence Listing, which was a duplicate of the floppy disk that was earlier filed on April 24, 2002.

A.3. A USPTO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES was mailed on February 11, 2004. Said February 11, 2004 NOTICE indicated that (i) the file of the application did not contain a Statement Under 37 CFR 1.821 or 1.825 (although a Statement Under 37 CFR 1.821 was filed on April 24, 2002) and (ii) a copy of the Sequence Listing in computer readable form was submitted, but a Substitute computer

readable form of the Sequence Listing was required to correct errors indicated in a Raw Sequence Listing Error Report.

A.4. A RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCES AND/OR AMINO ACID SEQUENCE DISCLOSURES was filed by the applicants on April 1, 2004 (this is the date that the 646 day applicant delay on the Patent Term Adjustment History ended).

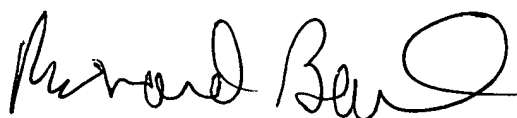
B.1. A Request for Substitute Papers (which was not a Notice Under 37 CFR 1.251) was mailed by the USPTO on April 29, 2002 (an informal USPTO request for courtesy copies of lost or damaged papers). The Request stated that "papers filed on 04/24/02 and CDs are no longer in condition to become part of the permanent record of the USPTO due to United States Postal Service sanitization process."

B.2. The aforesaid Request did not refer to the Sequence Listing or to the floppy disk filed on April 24, 2002. No CD was ever submitted for this application.

B.2. A reply to the aforesaid Request was mailed to the USPTO on May 3, 2002 (filed May 10, 2002). When checking the file to prepare this Statement Under 37 CFR 1.702, it was noticed that

the return postcard submitted with the reply identified IDS papers filed in the USPTO on April 19, 2002, rather than the papers filed on April 24, 2002, which are in the USPTO electronic for this application, as evidenced by the Image file Wrapper (ATTACHMENT C).

Date: February 2, 2007

A handwritten signature in black ink, appearing to read "Richard Barth", written over a horizontal line.

Richard S. Barth
Reg. No. 28,180

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